



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during October 2009**  
**DISTRIBUTED: November 10, 2009**

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Air:*

**Borex Stratton Energy LP, Stratton, Maine.** Borex Stratton Energy LP ("Borex") violated provisions of its Department-issued air emission license. Specifically, Borex exceeded license limits for NO<sub>x</sub> (nitrogen oxides), CO (carbon monoxide), and opacity. To resolve the violations, Borex paid \$8,300 as a civil monetary penalty.

**Starkey Ford, Inc., York, Maine.** Starkey Ford, Inc. ("Starkey") violated the Department's rule for *New Motor Vehicle Emission Standards* by selling a non-"California-certified" vehicle. To resolve the violation, Starkey paid a civil monetary penalty of \$2,060.

*Land:*

**Robert Martin and Diana Martin, Raymond, Maine.** Robert Martin and Diana Martin (the "Martins") violated provisions of Maine's *Natural Resources Protection Act* by performing or causing to be performed construction of a permanent structure in, on, or over a great pond without first obtaining a permit from the Department, by filling or causing to be filled a great pond without first obtaining a permit from the Department, and by displacing or causing to be displaced rocks in a great pond without first obtaining a permit from the Department. Specifically, a mortared wall was built around an existing jetty and backfilled with rock and loam. A portion of the structure was located in Sebago Lake. At the end of the structure, rock was placed in an approximate 100 square foot area of Sebago Lake. Some of the rocks came from the lake. To resolve the violations, the Martins agreed to implement a previously-submitted restoration plan and paid \$2,119 as a civil monetary penalty.

**Gerald L. Wood & Son, LLC, Machiasport, Maine.** Gerald L. Wood & Son, LLC ("Wood & Son") violated provisions of Maine's *Performance Standards for Excavations* by expanding a gravel pit by more than five acres since 1970 without first filing a "Notice of Intent to Comply" as required by the *Performance Standards for Excavations*, by excavating within fifty feet of a property line, and by excavating within five feet of the seasonal high water table. Following Department involvement, Wood & Son filed the required Notice of Intent to Comply. To resolve the violations, Wood & Son agreed to submit a restoration plan to restore the fifty foot buffer, backfill all areas where the water table is exposed such that five feet of separation exists between the pit floor and the seasonal high water table, and paid \$8,050 as a civil monetary penalty.

**District Court Enforcement Resolutions (party followed by location):**

*Land:*

**Todd P. Violette, Winslow, Maine.** Todd P. Violette ("Violette") violated provisions of Department permits under Maine's *Natural Resources Protection Act* and *Stormwater Management* law for the construction of a subdivision road by failing to follow the erosion and sedimentation control plan approved in the permits, and violated Maine's



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*Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involves filling, displacing or exposing soil without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Department inspections of the subdivision road revealed that there were exposed soils with inadequate erosion controls along the road and associated ditches and culvert inlets and outlets had not been stabilized. Following Department involvement, Violette installed erosion controls and stabilized the site. To resolve the violations, Violette paid \$3,000 as a civil monetary penalty.